

United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16101-16125

[Approved by the Secretary of Agriculture, Washington, D. C., June 28, 1929]

16101. Misbranding of cocoa. U. S. v. 4¾ Cartons of Cocoa. Default decree of forfeiture and destruction entered. (F. & D. No. 23052. I. S. No. 02330. S. No. 1131.)

On or about September 5, 1928, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4¾ cartons of cocoa, remaining in the original unbroken packages at Augusta, Ga., alleging that the article had been shipped by E. & A. Opler (Inc.), from New York, N. Y., on or about June 11, 1928, and transported from the State of New York into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Our Mother's Cocoa Net Weight ¼ lb. E. & A. Opler, Inc. Chicago and New York."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Weight ¼ Lb.," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On November 13, 1928, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16102. Adulteration and misbranding of jellies. U. S. v. 2 Cases of Apple Jelly, et al. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 23169. I. S. Nos. 096, 097, 098, 0100, 05901, 05902, 05904, 05905. S. No. 1276.)

On October 29, 1928, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 cases and 25 pails of various jellies, remaining in the original packages at San Francisco, Calif., consigned by the Pacific Food Products Co., Seattle, Wash., alleging that the article had been shipped from Seattle, Wash., on or about October 9, 1928, and transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The said cases each contained a number of jars labeled in part: "Net Weight 8 Oz. Sunny Jim Brand Apple Jelly," "Net Contents 7¾ Oz. Sunny Jim Brand Strawberry Jelly Fruit Pectin Added," "7¾ Oz. Sunny Jim Brand Currant Jelly Fruit Pectin Added." The remainder of the said articles were contained